

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN

LARRY M. REED  
Plaintiff,

Case No.  
Lower Court Case No. 19-0001737-NI

vs.

TONY VALENSKY CRUMB and  
NEW PRIME, INC.

Defendants.

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**NOTICE OF REMOVAL**

**To: The Honorable Judges of the United States District Court  
for the Eastern District of Michigan**

PLEASE TAKE NOTICE that Defendant, Tony Valensky Crumb, by filing this Notice of Removal and related papers, removes this action from the Circuit Court for the County of Wayne, Michigan, to the United States District Court for the Eastern District of Michigan, pursuant to 28 U.S.C. § 1332(a)(1), 1441 and 1446, and Federal Rule of Civil Procedure 81(c). The grounds for this removal are as follows:

### **Background**

1. This action was commenced on or about February 5, 2019, by the filing of Plaintiff's Complaint in the Circuit Court for the County of Wayne, Michigan. The civil action involves allegations of personal injury, owner's liability, negligent entrustment, and respondeat superior. *See Ex. A, Summons and Complaint.*

2. Removal is timely pursuant to 28 U.S.C. § 1446(b). Defendant, Tony Valensky Crumb, was served via registered mail return receipt requested on April 25, 2019. Plaintiff's counsel has represented that Defendant, New Prime, Inc., has been served. Copies of all pleadings served upon Defendant Valensky in this action are attached hereto collectively as **Exhibit A** and incorporated herein by reference.

### **Diversity Jurisdiction Exists**

3. Jurisdiction in this cause is proper in the United States District Court pursuant to the provisions of 28 U.S.C. § 1332, based on diversity of citizenship.

#### **A. The Plaintiff**

4. Plaintiff, Larry M. Reed, is a citizen of the City of Sterling Heights, County of Macomb, State of Michigan. *See Ex. A, Complaint, ¶ 1.*

#### **B. The Defendants**

5. Defendant, New Prime, Inc., is now, and was at the time of the commencement of this action, a Nebraska corporation with its principal place of business at 2740 N. Mayfair Ave, Springfield, Missouri 65803. As such, for

diversity purposes, New Prime, Inc., is a citizen of Nebraska and Missouri. Defendant, New Prime, Inc., is not a citizen of Michigan.

6. Defendant, Tony Valensky Crumb, is now, and was at the time of the commencement of this action, domiciled in the City of Florence, South Carolina. As such, for diversity purposes, Tony Valensky Crumb, is a citizen of South Carolina. Defendant, Tony Valensky Crumb, is not a citizen of Michigan.

### **Grounds for Removal**

7. This action is being removed pursuant to 28 U.S.C. § 1441 et seq. This action could have originally been brought in this Court pursuant to 28 U.S.C. § 1332.

8. This Notice of Removal is filed timely because it is submitted within 30 days of the date Defendant Crumb received a copy of the Summons and Complaint in this civil action. 28 U.S.C. § 1446(b).

9. Plaintiff's counsel has represented that Defendant, New Prime, Inc., has been served. 28 U.S.C. § 1446(b). Irrespective, New Prime, Inc. consents to removal. *Ex. C, Written Consent of New Prime, Inc.*

10. This Court embraces the county in which the State Court action was filed; thus, this Court is the proper venue.

11. Plaintiff's Complaint has asserted a claim in an amount in excess of the jurisdictional limit of \$75,000 exclusive of interest and costs.

12. Plaintiff seeks personal injury damages for an alleged motor vehicle accident which occurred on February 9, 2016. *See Ex. A, Complaint, ¶ 4-6.*

13. Plaintiff alleges that Defendant Crumb, while operating a motor vehicle, “failed to stop within an assured clear distance and caused his vehicle to strike Plaintiff’s vehicle...”. *Id. at ¶ 9.*

14. Plaintiff alleges that as a result of the motor vehicle collision, he suffered “serious and disabling injuries to his skeletal system, nervous system, and the muscles, tendons, ligaments, nerves, and tissue of his legs, feet, knees and other parts of his body.” *Id. at ¶ 12.* Plaintiff alleges that his injuries required “surgical intervention, the nature and extent of which are not fully known at this time.” *Id. at ¶ 13.* Plaintiff further alleges that he suffered and will continue to suffer “great pain, discomfort, embarrassment, humiliation, mental anguish, depression, gross anxiety, indignity and inconvenience.” *Id.* He claimed that his injuries were permanent. *Id. at ¶ 14.* He also alleged sustaining “lost wages, has become disabled, and has suffered a diminishment of his potential earning capacities and excess wage loss.” *Id.* Plaintiff seeks damages for “severe, serious, painful, permanent, and disabling injuries” allegedly caused by the accident, and as a result of those alleged serious and disabling injuries, including damages for excess work loss, if proven and established could be valued greater than \$75,000. *Id. at ¶ 16.*

15. Because this dispute is among citizens of different states and the amount in controversy exceeds \$75,000.00, the amount in controversy and diversity of citizenship requirements set forth in 28 U.S.C. § 1332 have been met and jurisdiction is proper with this Court.

16. Pursuant to 28 U.S.C. § 1446(d), a Notice of Filing Notice of Removal will be filed with the Clerk of the Circuit Court for the County of Wayne, Michigan and will be served upon Plaintiff. A copy of the written Notice of Filing Notice of Removal is attached hereto as ***Ex. B*** and incorporated herein by reference. Plaintiff is hereby notified to proceed no further in state court.

WHEREFORE, Defendant, Tony Valensky Crumb, requests this action be removed and requests that this Court shall seek full jurisdiction over the case herein as provided by law.

Respectfully submitted, this 9<sup>th</sup> day of May, 2019.

Bush Seyferth and Paige PLLC

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing instrument was served upon counsel of record for all parties in the above cause at their respective addresses disclosed on the pleadings this 9th day of May, 2019.

By: ☒ U.S. Mail  
☐ Hand Delivered  
☐ Facsimile  
☐ Overnight Mail  
☒ E-mail

By: /s/Michele Hill